M. R. O. 1—20,000—16-10-90

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2463 Press Mis.

Dated 1-12-1924 19

Not to be folded or roughly handled

No. 7. Read the following letter from the Acting Secretary to the Board of Revenue, to the Acting Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 5th August 1869, No. 5,747.

WITH reference to Government order, dated 7th July 1869, No. 1,944, Revenue Department, I am directed respectfully to point out that the order of the Government of India therein recorded, declining to sanction the transfer of the surplus under "Process Service Fund" to the "District Road Fund," is founded on the inaccurate hypothesis that the Process Service Fund was a fund properly raised under Act II. of 1864 to pay servants employed by Revenue Courts.

2. It is the fact, however, that Section 53, Act II. of 1864, only prescribes that batta at rates prescribed by the Board, with the sanction of Government, shall be paid by revenue defaulters to the persons employed in serving Notices, carrying on distraints or other processes under the Act. The object of this Section evidently is not to form a fund to aid in meeting the expense of Revenue Establishments, but to enact that the costs of serving processes shall be paid by defaulters, without being unduly high or oppressive. The rates were accordingly fixed by the Board, in communication with the Collectors, at rates which they expected would secure to the process servers an adequate remuneration and no more. Some Collectors finding that the batta thus collected was altogether more than was required, did not pay it in full to the peons, but engaged a staff of process servers on fixed monthly wages; and the amount of the aggregate sums thus payable was considerably less than what was realised in the shape of batta. Directly this was found to be the case, the rates of batta ought to have been reduced, but unfortunately the rates were retained, and a surplus was allowed to accumulate till it attracted the attention of the Board. This surplus is the "Process Service Fund."

3. The Board submit that this fund cannot, with justice, be transferred to the general revenues. The law does not provide either for its existence or for its appropriation to State purposes. In strict propriety, the sum should be repaid in due proportion to the ryots, from whom it was collected; but as it is obviously impracticable now to make such refunds, the Board believe that the only course open to Government is to transfer the amount to the District Road Fund to be spent on local roads, in which the agricultural community, from whom it was collected are directly and deeply interested.

4. The irregular practice under which the surplus accrued was discontinued when it came to the Board's notice, and the Collectors were directed to see that, as a rule, processes were served and distraints and attachments for arrears made by village officers without any charge, and that where it might be found necessary to employ Batta Peons, etc., the maximum rate should not be levied as a matter of course; under this arrangement there has since been no accumulation.

5. I am to submit that if the Imperial revenue absorbs the so-called "Process Service Fund," it will do so with no well-founded claim, and an opportunity of correcting an injustice, and indeed of changing it into a benefit to the people, will be for ever lost.

6. The Board believe that if the facts of the case had been laid more fully before them, the Government of India would have arrived at a different

conclusion, and they will be glad if the Madras Government can make a further representation on the subject.

No. 8. ORDER THEREON, 1st September 1869, No. 2,468.

Local Funds, No. 1.
Account.

RESOLVED that the foregoing letter be forwarded for the consideration of the Government of India, with reference to the letter from that Government, dated 12th June 1869, No. 1,051. The request made in the letter from this department, dated 12th May 1869, No. 1,325, for sanction for the transfer of the surplus under "Process Service Fund" to the District Road Fund, will at the same time be renewed.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue;
" the Accountant-General.

Ext. P. R. Gentleman.

Process Sending Fund.—Proceedings Board of Revenue regarding the transfer of its surplus to the District Road Fund, ordered to be forwarded to Government of India.

SETTLEMENT.

Mad. No. 6.

Read

G. O. 1st September 1869, No. 2,438.

Copy

Forwarded to the Board of Revenue, &c., &c.

By order, &c.,

(Signed) C. BRANFILL,

Chief Secretary.

To

THE BOARD OF REVENUE.

REVENUE.

Revenue Department.

No. 2468

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 2nd *Septr* 1869.

Read the following letter from the Board of Revenue

Requesting to make a further representation to Govt of India with reference to their reference to sanction transfer of surplus under Process service Fund to District Road Fund.

(R. & 5th August 1869 No 5747)

Resolved that the foregoing letter be forwarded for the consideration of the Government of India with reference to the letter from that Government dated 12th June 1869 No 1051. The request made in the letter from this Department dated 12th May 1869 No 1325 for sanction for the transfer of the surplus under "Process service Fund" to the District Road Fund, will at the same time be withdrawn.

(illegible)

By Order of the Right Honble
the Governor in Council

(illegible)